

AMENDED IN ASSEMBLY JULY 23, 1998

AMENDED IN ASSEMBLY JUNE 4, 1998

AMENDED IN ASSEMBLY MAY 20, 1998

**SENATE BILL**

**No. 627**

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**Introduced by Senator Karnette**

February 25, 1997

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An act to amend Sections 2142, 14405, 15500, 15501, 15505, and 15642 of, to amend the heading of Division 15 (commencing with Section 15000) of, to amend and renumber Sections 14421 and 14423 of, to amend and renumber the headings of Chapter 8 (commencing with Section 15400), Chapter 9 (commencing with Section 15450), Chapter 10 (commencing with Section 15500), Chapter 11 (commencing with Section 15550), Chapter 12 (commencing with Section 15600), and Chapter 13 (commencing with Section 15650) of Division 15 of, to add Sections 335.5, 336.5, and 353.5 to, to add Article 3 (commencing with Section 14430) and Article 4 (commencing with Section 14440) to Chapter 4 of Division 14 of, to add Chapter 2 (commencing with Section 15100) and Chapter 4 (commencing with Section 15300) to Division 15 of, to repeal Sections 13245, 14406, 14420, 14422, 15552, and 17500 of, to repeal Article 6 (commencing with Section 14320) of Chapter 3 of Division 14 of, to repeal Article 5 (commencing with Section 15645) of Chapter 12 of Division 15 of, to repeal Chapter 2 (commencing with Section 15050), Chapter 4 (commencing with Section 15200), Chapter 5 (commencing with Section 15250), Chapter 6 (commencing with Section 15300), and Chapter 7 (commencing with

Section 15350) of Division 15 of, to repeal and add Sections 301, 14403, and 14404 of, and to repeal and add Chapter 1 (commencing with Section 15000) and Chapter 3 (commencing with Section 15150) of Division 15 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 627, as amended, Karnette. Elections: counting votes.

Existing law sets forth election day procedures for precinct boards and elections officials, and procedures for counting votes, including manual and automated counting, counting at the precinct and at central locations, the semiofficial and official canvass of votes, and snap tallies.

This bill would repeal and reenact many of those provisions in a renumbered, amended, and reorganized form. The bill would renumber numerous existing sections without substantive change. The bill also would make technical changes, and changes to conform terminology.

Existing elections law defines the term “ballot.”

This bill would repeal, reenact, and recast that provision to reflect current terminology; and the use of different voting systems.

This bill would define the terms “official canvass,” “1% manual tally,” and “~~semi-final~~ *semifinal* official canvass” for the purposes of the bill.

Under existing law, if the county elections official refuses to register any qualified elector in the county, the elector may bring an action in superior court to compel the registration and as many persons may join as plaintiffs as have causes of action.

This bill would impose a state-mandated local program by applying the same rights and procedures to persons who claim to have registered to vote through any public agency designated as a voter registration agency under the federal National Voter Registration Act of 1993 but are denied registration by the county elections official.

Existing law establishes procedures for the defacing of unused ballots, and for the destruction of unused ballots.



This bill would repeal, reenact, and reorganize those procedures, and would provide that the ballots may be recycled, as specified.

Existing law requires that a write-in vote for a candidate be marked with a rubber stamp or marking device, permits the use of a pen or pencil ~~for use~~ in writing in the name of a candidate on a ballot, and specifies the use of a stamp or other marking device ~~for use~~ in marking a ballot.

This bill would repeal those provisions.

Existing law establishes procedures for segregating damaged ballots that are to be duplicated, establishes procedures for the examination and tallying of ballots and ballot cards in regard to write-in votes, and establishes procedures for canvassing absentee ballots.

This bill would repeal and reenact those provisions in a reorganized form, and would require the provisions of the reorganized chapter to apply to the processing of absentee ballots during the 29-day period prior to any election, during the ~~semi-final~~ *semifinal* official canvass, and during the official canvass. The bill also would establish procedures for processing absentee ballots to include opening absentee ballot envelopes, removing ballots, duplicating damaged ballots, and preparing the ballots to be machine read ~~or machine reading, and machine-reading~~ the ballots.

Existing law requires that a copy of each ~~election-computer~~ *computer election* vote program for a statewide or special state election to fill vacancies be deposited with the Secretary of State, and specifies how the program is to be preserved.

This bill would repeal and reenact those provisions in a reorganized form relating to preparations for canvass by elections officials, and would establish additional procedures for the Secretary of State to follow for secure preservation of the computer program.

Existing law authorizes the Secretary of State to approve voting systems.

This bill would require the elections official, no later than 7 days prior to an election, to test the device that will be used to tabulate ballots to ensure *the* accuracy of the device. The bill also would require the Secretary of State, no later than January 1 of each even-numbered year, to review and amend

administrative procedures, as necessary, for use with the voting systems approved by the Secretary of State. The bill also would require elections officials to adopt ~~semi-final~~ *semifinal* official canvass and official canvass procedures to conform to the applicable voting systems procedures that have been approved by the Secretary of State, and would require that the procedures be available for public inspection no later than 29 days prior to each election.

Existing law establishes general provisions for procedures for vote counting in precincts, and establishes manual vote counting as the default vote counting procedure for all elections.

This bill would repeal and reenact those provisions in a reorganized form. The bill would also restrict application of the reorganized provisions to only those elections where ballots are counted by hand.

Existing law establishes procedures for the return of supplies from the polls to elections officials, establishes procedures for snap tallies, establishes supplemental counting boards, and establishes procedures for vote counting in a central place.

This bill would repeal and reenact in a reorganized form those provisions. The bill also would repeal those provisions regarding preparation of tally sheets, the requirement of counting votes in public, and the manner of preparing returns, and would establish that the procedures for manual vote counts at a central place are the same as the procedures used for manual vote counts in the precincts.

Existing law establishes election return centers and requires the elections officials to tabulate, total, and make available to the public the results received as to the offices and measures voted upon, as specified.

This bill would repeal and reenact those provisions in reorganized form. The bill would also authorize multiple counting centers, the use of telephone, facsimile, or modem transmission of results, and recast vote counting procedures to follow the vote counting procedures as specified for automatic vote counting in a central place.

Existing law establishes procedures for a semiofficial canvass.



This bill would repeal the term “semiofficial canvass” and instead would establish and define the term “~~semi-final~~ *semifinal* official canvass,” and would repeal and reenact the general provisions relating to the above-described canvass in a reorganized form. The bill also would repeal and reenact, in a reorganized form, with other provisions relating to automated vote counts in a central location, those provisions relating to counting procedures for elections using *automated* voting systems. The bill also would repeal and reenact provisions relating to the duplication of damaged ballot cards, and would repeal provisions relating to the duplication of absentee ballots onto punchcards, procedures for the processing, counting, and machine tabulation of absentee ballots, and a procedure relevant to the final canvass.

Existing law establishes procedures for the official canvass and for the canvass of write-in votes.

This bill would repeal and reenact those provisions in a reorganized form. The bill also would define the elements of the official canvass and provide procedures for marking write-in votes for various voting systems, as specified.

This bill would require that absentee and mail ~~ballot~~ precinct ballots that are not included in the ~~semi-final~~ *semifinal* official canvass be processed and counted during the official canvass, as specified.

This bill would require that provisional ballots be processed and counted pursuant to procedures established for processing absentee ballots.

Existing law establishes procedures for a manual recount, after each election, of 1% of the precincts, or, if 1% is less than one whole precinct, of one precinct, as specified, and requires the 1% manual recount to be accomplished within 15 days after the official canvass.

This bill would repeal and reenact those provisions, would recast the language of the provisions, would repeal the 15-day time limitation, and instead, would authorize the 1% tally to occur during the official canvass.

Existing law authorizes the recycling of unused ballots by elections officials, as specified, and requires elections officials to file an affidavit as to the number of ballots recycled.

This bill would repeal and reenact those provisions, in a reorganized form with provisions relating to the destruction of ballots, and in addition, require that the above-described affidavit be filed no later than 30 days following the last day to certify the official results of the election. The bill also would permit, at the discretion of elections officials, recycling of the unused ballots up to 6 months following an election, or at the conclusion of an election contest proceeding, whichever is later.

Existing law requires any tape used in programming vote totals to be kept under lock and seal and, if there is a recanvass of votes, for the officer entrusted with the tape to submit an affidavit stating that the subject tapes are the true tapes used in the election and have not been altered.

This bill, in addition, would make those provisions applicable to any diskette, cartridge, or other magnetic or electronic storage medium used in programming the vote totals, and require storage of those media in a “secure place,” rather than under lock and seal.

This bill would renumber various sections and make technical and conforming changes in terminology.

Existing law establishes that every person charged with the performance of any duty relating to elections, as specified, is guilty of a crime where that person willfully neglects or refuses to perform the duty.

This bill would impose a state-mandated local program by imposing additional duties on local elections officials, and by expanding the definition of a crime, in view of existing law that provides that the willful neglect of, or refusal to perform, the above-described duties is a crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, with regard to certain mandates, no reimbursement is required by this act for a specified reason.



With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 301 of the Elections Code is  
2 repealed.

3 SEC. 2. Section 301 is added to the Elections Code, to  
4 read:

5 301. A “ballot” means any of the following:

6 (a) A single card with prescored, number positions  
7 that is marked by the voter with a punching device and  
8 the accompanying reference page or pages containing  
9 the names of candidates and the ballot titles of measures  
10 to be voted on with numbered positions corresponding to  
11 the numbers on the card.

12 (b) One or more cards upon which are printed the  
13 names of the candidates and the ballot titles of measures  
14 to be voted on by punching or marking in the designated  
15 area.

16 (c) One or more sheets of paper upon which are  
17 printed the names of candidates and the ballot titles of  
18 measures to be voted on by marking the designated area  
19 and that are tabulated manually or by optical scanning  
20 equipment.

21 (d) A large sheet of paper upon which is printed the  
22 names of candidates and ballot titles of measures to be  
23 voted on by pressing the designated area on a  
24 direct-recording electronic device.

25 (e) An electronic touchscreen upon which appears the  
26 names of candidates and ballot titles of measures to be  
27 voted on by touching the designated area on the screen  
28 of a direct-recording electronic device.

29 SEC. 3. Section 335.5 is added to the Elections Code,  
30 to read:

1 335.5. The “official canvass” is the public process of  
2 processing and tallying all ballots received in an election,  
3 including, but not limited to, provisional ballots and  
4 absentee ballots not included in the semifinal official  
5 canvass. The official canvass also includes the process of  
6 reconciling ballots, attempting to prohibit duplicate  
7 voting by absentee *and provisional* voters, and  
8 performance of the manual tally of 1 percent of all  
9 precincts.

10 SEC. 4. Section 336.5 is added to the Elections Code,  
11 to read:

12 336.5. “One percent manual tally” is the public  
13 process of manually tallying votes in 1 percent of the  
14 precincts, selected at random by the elections official, ~~or,~~  
15 ~~if 1 percent of the precincts is less than one whole~~  
16 ~~precinct,~~ *and* in one precinct for each race not included  
17 in the randomly selected precincts. This procedure is  
18 conducted during the official canvass to verify the  
19 accuracy of the automated count.

20 SEC. 5. Section 353.5 is added to the Elections Code,  
21 to read:

22 353.5. The “semifinal official canvass” is the public  
23 process of collecting, processing, and tallying ballots and,  
24 for state or statewide elections, reporting results to the  
25 Secretary of State on election night. The semifinal official  
26 canvass may include some or all of the absentee *and*  
27 *provisional* vote totals.

28 SEC. 6. Section 2142 of the Elections Code is amended  
29 to read:

30 2142. (a) If the county elections official refuses to  
31 register any qualified elector in the county, the elector  
32 may proceed by action in the superior court to compel his  
33 or her registration. In an action under this section, as  
34 many persons may join as plaintiffs as have causes of  
35 action.

36 (b) If the county elections official has not registered  
37 any qualified elector who claims to have registered to  
38 vote through the Department of Motor Vehicles or any  
39 other public agency designated as a voter registration  
40 agency pursuant to the National Voter Registration Act



1 of 1993 (42 U.S.C. Sec. 1973gg), the elector may proceed  
2 by action in the superior court to compel his or her  
3 registration. In an action under this section, as many  
4 persons may join as plaintiffs as have causes of action.

5 SEC. 7. Section 13245 of the Elections Code is  
6 repealed.

7 SEC. 8. Article 6 (commencing with Section 14320) of  
8 Chapter 3 of Division 14 of the Elections Code is repealed.

9 SEC. 9. Section 14403 of the Elections Code is  
10 repealed.

11 SEC. 10. Section 14403 is added to the Elections Code,  
12 to read:

13 14403. Immediately upon the closing of the polls and  
14 before any voted ballot is taken from any of the ballot  
15 containers, the precinct board member shall, in the  
16 presence of all persons in the room who may desire to  
17 observe them, proceed to render the unused ballots  
18 unusable in one of the following ways:

19 (a) By drawing across its face, in ink or indelible  
20 pencil, two lines that cross each other, the cross to be  
21 more than three inches square. The precinct board  
22 member shall thereupon, immediately and before any  
23 ballots are taken from any ballot container, place all  
24 defaced ballots within an envelope or other receptacle  
25 provided for that purpose.

26 (b) By tearing or cutting in a manner so that it is  
27 apparent that the ballot has been intentionally destroyed  
28 to prevent its use. If this method of destruction is used, it  
29 shall be done in a manner so that the serial number of the  
30 ballots is retained for the purposes of reconciliation.

31 (c) By placing all of the unused ballots into a special  
32 container provided for that purpose. A tamperproof seal  
33 containing spaces for entering the total number of  
34 unused ballots enclosed, the beginning and ending serial  
35 numbers thereof, and signature lines for all members of  
36 the precinct board following a statement certifying that  
37 all of the ballots were placed in the container in their  
38 presence and the information on the seal is true and  
39 correct, shall be provided. After signing the seal, it shall

1 be placed on the container in a manner so that the  
2 container cannot be opened without tearing the seal.

3 SEC. 11. Section 14404 of the Elections Code is  
4 repealed.

5 SEC. 12. Section 14404 is added to the Elections Code,  
6 to read:

7 14404. Immediately upon the arrival of the hour when  
8 the polls are required by law to be closed on election day,  
9 the elections official conducting the election shall openly,  
10 in the elections official's main office, in the presence of  
11 any persons who are present to observe, according to the  
12 procedure set forth in Section 14403, proceed to render  
13 every unused ballot remaining in the control of the  
14 elections official unusable. The elections official shall  
15 forthwith make and file an affidavit, in writing, as to the  
16 number of ballots destroyed. If the procedure in  
17 subdivision (c) of Section 14403 is used, the tamperproof  
18 seal shall be signed by the elections official and at least  
19 one deputy or assistant elections official or registrar. The  
20 sealed container shall then be placed, with the sealed  
21 containers containing unused ballots from the precincts,  
22 in a security area by the elections official until disposition  
23 is made pursuant to Section 17301 or 17302.

24 Alternatively, the elections official may, immediately  
25 upon the arrival of the hour when the polls are closed,  
26 recycle for any other lawful purpose any unused ballots  
27 remaining in the control of the elections official that  
28 clearly identify the election for which they were  
29 prepared. No later than 30 days following the last day to  
30 certify the official results of the election, the elections  
31 official shall make and file an affidavit, in writing, as to the  
32 number of ballots recycled. At the elections official's  
33 discretion, the unused ballots may be recycled up to six  
34 months following an election or at the conclusion of an  
35 election contest proceeding, whichever is later.

36 SEC. 13. Section 14405 of the Elections Code is  
37 amended to read:

38 14405. (a) The members of the precinct board shall  
39 account for the ballots delivered to them by returning a  
40 sufficient number of unused ballots to make up, when

1 added to the number of official ballots cast and the  
2 number of spoiled and canceled ballots returned, the  
3 number of ballots given to them. The officers receiving  
4 returned ballots shall compel this accounting.

5 (b) The precinct board shall complete the roster as  
6 required in Section 14107, and shall also complete and  
7 sign the certificate of performance prescribed in Section  
8 15280, if that section applies.

9 SEC. 14. Section 14406 of the Elections Code is  
10 repealed.

11 SEC. 15. Section 14420 of the Elections Code is  
12 repealed.

13 SEC. 16. Section 14421 of the Elections Code is  
14 amended and renumbered to read:

15 14420. (a) As soon as the polls are closed, the precinct  
16 board shall remove the voted ballots from the ballot  
17 container and take them out of the secrecy envelopes or  
18 detach them from the secrecy stubs. Where the envelope  
19 or stub is also the write-in ballot, and a write-in vote has  
20 been registered thereon, the ballot card shall not be  
21 separated from the envelope or stub. If two or more  
22 separate ballot cards have been used in the election, the  
23 precinct board shall sort them into groups, each of which  
24 shall contain the same series of ballot cards.

25 (b) After completing the action described in  
26 subdivision (a), the precinct board shall count the  
27 number of ballot cards in each group, and certify the  
28 number of ballots cast on the voting roster as provided by  
29 Section 14105. If there is any discrepancy between the  
30 number of voters listed in the roster and the number of  
31 ballots voted, this fact shall be noted with an explanation  
32 of the difference and signed by all the members of the  
33 precinct board.

34 SEC. 17. Section 14422 of the Elections Code is  
35 repealed.

36 SEC. 18. Section 14423 of the Elections Code is  
37 amended and renumbered to read:

38 14421. The precinct board shall group voted ballot  
39 cards and voted separate write-in ballots, as directed by  
40 the elections official, and place them in containers. The

board shall also place spoiled and void ballots, if any, in containers as directed by the elections official. All of these ballots, along with the containers for voted ballot cards, shall be placed in one or more boxes, which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the elections official.

SEC. 19. Article 3 (commencing with Section 14430) is added to Chapter 4 of Division 14 of the Elections Code, to read:

Article 3. Return of Supplies to the Clerk

14430. The precinct board, as soon after the polls are closed as possible, shall prepare the supplies, including the copies of the index posted at or near the polling place, and records of the election for delivery to the elections official.

14431. The precinct board shall enclose and seal in one or more packages, as determined by the elections official, all voted, spoiled, canceled, or unused ballots.

14432. The precinct board shall enclose and seal in one or two packages, as determined by the elections official, all of the following:

(a) Two tally sheets, if ballots are to be tabulated manually at the precinct.

(b) The roster of voters.

(c) The copy of the index used as the voting record.

(d) The challenge list.

(e) The assisted voter's list.

14433. If ballots are counted at precincts pursuant to Article 3 (commencing with Section 15340) or Article 5 (commencing with Section 15360) of Chapter 4 of Division 15, the precinct board immediately shall transmit, unsealed, to the elections official a statement showing the result of the votes cast at the polling place. The statement shall be open to public inspection.

14434. The sealed packages containing the lists, papers, and ballots shall be delivered by two of its

1 members without delay, unopened, to the elections  
2 official or to a receiving station designated by the  
3 elections official.

4 14435. No list, tally, paper, or certificate returned  
5 from any election ~~may~~*shall* be set aside or rejected for  
6 want of form, nor because it is not strictly in accordance  
7 with this code, if it can be satisfactorily understood.

8 SEC. 20. Article 4 (commencing with Section 14440)  
9 is added to Chapter 4 of Division 14 of the Elections Code,  
10 to read:

11  
12 Article 4. Snap Tallies  
13

14 14440. Before any election, the governing body of the  
15 jurisdiction holding the election ~~may~~*shall* decide that  
16 certain offices or measures to be voted on are of more  
17 than ordinary public interest and require an early  
18 tabulation and announcement. The decision shall be  
19 transmitted to the elections official not less than 30 days  
20 before the election.

21 14441. The elections official shall prepare and forward  
22 to each selected precinct forms containing a list of the  
23 offices and measures designated as being of more than  
24 ordinary interest, and stating the number of ballots to be  
25 counted for the snap tally. In each general election, the  
26 special form shall, for each office listed on it, include the  
27 names of all candidates for that office whose names  
28 appear on the ballot.

29 The inspector at each selected precinct shall note the  
30 results of the count and the total number of votes cast in  
31 the precinct on the snap tally forms as soon as the  
32 designated number of ballots has been tallied. The  
33 inspector shall then communicate the figures in the  
34 manner directed by the elections official. In each general  
35 election, the figures shall include the votes cast for every  
36 candidate whose name appears on the ballot for an office  
37 listed on the forms. The inspector shall continue, each  
38 time the designated number of ballots have been tallied,  
39 to note and report the results as directed.

1 14442. Upon receipt from the precincts of the reports  
2 of votes cast on the specially designated offices and  
3 measures, the elections official shall tabulate the results  
4 and make the results available to the public. In each  
5 general election, all these reports of the election results  
6 shall include the votes cast for all candidates whose names  
7 appear on the ballot for each office for which returns are  
8 reported.

9 14443. If ballots are counted by means of electronic,  
10 electromechanical, or punchcard device, the elections  
11 official may provide for early tabulation and  
12 announcement of the returns in a manner consistent with  
13 the use of the tabulating devices.

14 SEC. 21. The heading of Division 15 (commencing  
15 with Section 15000) of the Elections Code is amended to  
16 read:

17  
18 DIVISION 15. SEMIFINAL OFFICIAL CANVASS,  
19 OFFICIAL CANVASS, RECOUNT, AND TIE VOTE  
20 PROCEDURES  
21

22 SEC. 22. Chapter 1 (commencing with Section 15000)  
23 of Division 15 of the Elections Code is repealed.

24 SEC. 23. Chapter 1 (commencing with Section 15000)  
25 is added to Division 15 of the Elections Code, to read:

26  
27 CHAPTER 1. PREPARATION FOR CANVASS  
28

29 15000. No later than seven days prior to any election  
30 conducted pursuant to this code, the elections official  
31 shall conduct a test or series of tests to ensure that every  
32 device used to tabulate ballots accurately records each  
33 vote. The exact methods employed in this test shall  
34 conform to the voting procedures for the specific voting  
35 systems, as adopted by the Secretary of State.

36 15001. (a) A copy of each election computer vote  
37 count program for a statewide election or state special  
38 election to fill vacancies shall be deposited with the  
39 Secretary of State. The copy of the election computer  
40 vote count program shall be received by the Secretary of

1 State no later than 5 p.m. on the seventh day before the  
2 election.

3 (b) If the election computer vote count program is  
4 modified or altered after the submission specified in  
5 subdivision (a), the elections official immediately shall  
6 deposit the subsequent program no later than 12 p.m. on  
7 the day of the election.

8 (c) The Secretary of State shall hold the deposited  
9 programs for a period of not less than six months, at which  
10 time the program shall be returned to the elections  
11 official.

12 (1) The elections official shall preserve the returned  
13 program for a period of 16 months.

14 (2) The programs deposited in accordance with this  
15 section ~~may~~ shall be used only for a recanvass of the vote,  
16 an official recount, court action, or for logic and accuracy  
17 tests required by the Secretary of State.

18 (3) Any tape, diskette, cartridge, or other magnetic or  
19 electronic storage medium containing the vote count  
20 program submitted pursuant to this section shall be  
21 maintained by the Secretary of State in a secure location  
22 when not in use for an official purpose specified in  
23 paragraph (2).

24 (d) The Secretary of State may, by mandamus or other  
25 appropriate proceeding, require and compel the county  
26 elections officials to submit the computer vote count  
27 program specified in subdivision (a). Venue for a  
28 proceeding under this section shall be exclusively in  
29 Sacramento County.

30 15002. No later than January 1 of each  
31 even-numbered year, the Secretary of State shall review,  
32 and if necessary amend, administrative procedures for  
33 use with each of the voting systems pursuant to Division  
34 19.

35 15003. Elections officials shall adopt semifinal official  
36 and official canvass procedures to conform to the  
37 applicable voting system procedures that have been  
38 approved by the Secretary of State. These procedures  
39 shall be available for public inspection no later than 29  
40 days before each election.

1 15004. The county central committee of each  
2 qualified political party may employ, and may have  
3 present at the central counting place or places, not more  
4 than two qualified data processing specialists or engineers  
5 to check and review the preparation and operation of the  
6 tabulating devices, their programming and testing, and  
7 have the specialists or engineers in attendance at any or  
8 all phases of the election.

9 SEC. 24. Chapter 2 (commencing with Section 15050)  
10 of Division 15 of the Elections Code is repealed.

11 SEC. 25. Chapter 2 (commencing with Section 15100)  
12 is added to Division 15 of the Elections Code, to read:

13  
14 CHAPTER 2. ABSENTEE BALLOT PROCESSING  
15

16 15100. The provisions of this chapter apply to the  
17 processing of absentee ballots during the 29-day period  
18 before any election, during the semifinal official canvass,  
19 and during the official canvass.

20 15101. (a) Any jurisdiction in which absentee ballots  
21 are cast may begin to process absentee ballot return  
22 envelopes beginning 29 days before the election.  
23 Processing absentee ballot return envelopes may include  
24 verifying the voter's signature on the absentee ballot  
25 return envelope and updating voter history records.

26 (b) Any jurisdiction having the necessary computer  
27 capability may start to process absentee ballots on the  
28 seventh day prior to the election. Processing absentee  
29 ballots includes opening absentee ballot return  
30 envelopes, removing ballots, duplicating any damaged  
31 ballots, and preparing the ballots to be machine read, or  
32 machine reading them, but under no circumstances may  
33 a vote count be accessed or released until 8 p.m. on the  
34 day of the election. All other jurisdictions shall start to  
35 process absentee ballots at 5 p.m. on the day before the  
36 election.

37 (c) Results of any absentee ballot tabulation or count  
38 ~~may~~*shall* not be released prior to the close of the polls on  
39 the day of the election.



1 15102. The official shall appoint a special counting  
2 board or boards in numbers that he or she deems  
3 adequate to count the absentee ballots. The official shall  
4 provide for the forms of tally books and the distribution  
5 of the duties of the members of the canvassing board.

6 When the tally is done by hand, there shall be no less  
7 than four persons for each office or proposition to be  
8 counted. One shall read from the ballot, the second shall  
9 keep watch for any error or improper vote, and the other  
10 two shall keep the tally.

11 15103. The elections official shall pay a reasonable  
12 compensation to each member of the canvassing board of  
13 absentee ballots. This compensation shall be paid out of  
14 the treasury of the agency conducting the election as  
15 other claims against it are paid.

16 15104. (a) The processing of absentee ballot return  
17 envelopes, and the processing and counting of absentee  
18 ballots shall be open to the public, both prior to and after  
19 the election.

20 (b) Any member of the county grand jury, and at least  
21 one member each of the Republican county central  
22 committee, the Democratic county central committee,  
23 and of any other party with a candidate on the ballot, and  
24 any other interested organization, shall be permitted to  
25 observe and challenge the manner in which the absentee  
26 ballots are handled, from the processing of absentee  
27 ballot return envelopes through the counting and  
28 disposition of the ballots.

29 (c) The elections official shall notify absentee voter  
30 observers and the public at least 48 hours in advance of  
31 the dates, times, and places where absentee ballots will be  
32 processed and counted.

33 (d) Absentee voter observers shall be allowed  
34 sufficiently close access to enable them to observe and  
35 challenge whether those individuals handling absentee  
36 ballots are following established procedures, including all  
37 of the following:

38 (1) Verifying signatures and addresses by comparing  
39 them to voter registration information.

1 (2) Duplicating accurately any damaged or defective  
2 ballots.

3 (3) Securing absentee ballots to prevent any  
4 tampering with them before they are counted on election  
5 day.

6 (e) No absentee voter observer ~~may~~*shall* interfere  
7 with the orderly processing of absentee ballot return  
8 envelopes or processing and counting of absentee ballots,  
9 including touching or handling of the ballots.

10 15105. Prior to processing and opening the  
11 identification envelopes of absent voters, the elections  
12 official shall make available a list of absent voters for  
13 public inspection, from which challenges may be  
14 presented. Challenges may be made for the same reasons  
15 as those made against a voter voting at a polling place. In  
16 addition, a challenge may be entered on the grounds that  
17 the ballot was not received within the time provided by  
18 this code or that a person is imprisoned for a conviction  
19 of a felony. All challenges shall be made prior to the  
20 opening of the identification envelope of the challenged  
21 absent voter.

22 15106. Except as otherwise provided, the processing  
23 of absentee ballot return envelopes, the processing and  
24 counting of absentee ballots, and the disposition of  
25 challenges of absentee ballots shall be according to the  
26 laws now in force pertaining to the election for which  
27 they are cast. Because the voter is not present, the  
28 challenger shall have the burden of establishing  
29 extraordinary proof of the validity of the challenge at the  
30 time the challenge is made.

31 15107. If a challenge is overruled, the board shall open  
32 the identification envelope without defacing the affidavit  
33 printed on it or mutilating the enclosed ballot and,  
34 without viewing the ballot, remove it and destroy the  
35 numbered slip, if any remains, and store the ballots in a  
36 secure location.

37 15108. If a challenge is allowed, the board shall  
38 endorse on the face of the identification envelope the  
39 cause of the challenge and its action thereon.

1 15109. Except as otherwise provided in this chapter,  
2 the counting and canvassing of absentee ballots shall be  
3 conducted in the same manner and under the same  
4 regulations as used for ballots cast in a precinct polling  
5 place.

6 15110. Reports to the Secretary of State of the findings  
7 of the canvass of absentee ballots shall be made by the  
8 elections official pursuant to ~~this chapter~~ *Chapter 3*  
9 *(commencing with Section 15150)* and Chapter 4  
10 *(commencing with Section 15300)*.

11 15111. The elections official shall keep an accurate list  
12 of all voters who have received and voted an absentee  
13 ballot at each election and compare this list with the  
14 roster of voters as provided in Section 2207.

15 15112. When elections are consolidated pursuant to  
16 Division 10 (commencing with Section 10000), and only  
17 one form of ballot is used at the consolidated election, the  
18 ballots cast by absent voters ~~may~~ *shall* be counted only in  
19 connection with elections to which absent voter  
20 privileges have been extended by law.

21 Whenever the period of time within which absent  
22 voters' ballots shall be received by the elections official in  
23 order to be counted, as provided for any election by this  
24 code or any other law of this state, is different from that  
25 period of time provided for another election, and the  
26 elections are consolidated and only one form of ballot  
27 used for both elections, all absent voters' ballots issued for  
28 the consolidated election may be counted for both  
29 elections if received by the elections official within  
30 whichever period of time that is the longer.

31 SEC. 26. Chapter 3 (commencing with Section 15150)  
32 of Division 15 of the Elections Code is repealed.

33 SEC. 27. Chapter 3 (commencing with Section 15150)  
34 is added to Division 15 of the Elections Code, to read:

35

## CHAPTER 3. SEMIFINAL OFFICIAL CANVASS

## Article 1. General Provisions

15150. For every election the elections official shall conduct a semifinal official canvass by tabulating absentee and precinct ballots and compiling the results. The semifinal official canvass shall commence immediately upon the close of the polls and shall continue without adjournment until all precincts are accounted for.

15151. (a) The elections official shall transmit the semifinal official results to the Secretary of State in the manner and according to the schedule prescribed by the Secretary of State prior to each election, for the following:

(1) All candidates voted for statewide office.

(2) All candidates voted for the following offices:

(A) State Assembly.

(B) State Senate.

(C) Member of the United States House of Representatives.

(D) Member of the State Board of Equalization.

(E) Justice of the Court of Appeals.

(3) All persons voted for at the presidential primary or for electors of President and Vice President of the United States.

(4) Statewide ballot measures.

(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the semifinal official canvass.

15152. Neither the elections official, any member of a precinct board, nor any other person ~~may~~*shall* count any votes, either for a ballot proposition or candidate, until the close of the polls in that county. After that time, the ballots for all candidates and ballot propositions voted upon solely within the county shall be counted and the results of the balloting made public. However, the results for any candidate or ballot proposition also voted upon in

1 another county or counties ~~may~~*shall* not be made public  
2 until after all the polls in that county and the other county  
3 or counties have closed. This paragraph applies regardless  
4 of whether the counting is done by manual tabulation or  
5 by a vote tabulating device.

6 15153. During the semifinal official canvass, write-in  
7 votes shall be counted in accordance with Article 3  
8 (commencing with Section 15340) of Chapter 4.

9 15154. (a) Any ballot that is not marked as provided  
10 by law or that is marked or signed by the voter so that it  
11 can be identified by others shall be rejected. The rejected  
12 ballots shall be placed in the package marked for voted  
13 ballots or in a separate container as directed by the  
14 elections official. All rejected ballots shall have written  
15 thereon the cause for rejection and be signed by a  
16 majority of processing board members who are assigned  
17 by the elections official to process ballots.

18 (b) The following ballot conditions shall not render a  
19 ballot invalid:

20 (1) Soiled or defaced.

21 (2) Two or more impressions of the voting stamp or  
22 mark in one voting square.

23 (c) If a voter indicates, either by a combination of both  
24 marking and writing in, a choice of more names than  
25 there are candidates to be elected or nominated for any  
26 office, or if for any reason the choice of the voter is  
27 impossible to determine, the vote for that office shall not  
28 be counted, but the remainder of the ballot, if properly  
29 marked, shall be counted.

30 (d) This section applies to all ballots counted pursuant  
31 to this chapter and Chapter 4 (commencing with Section  
32 15300).

33  
34 Article 2. Automated Count in a Central Location  
35

36 15200. If paper ballots are used in conjunction with  
37 this system, counting shall be as provided in Article 5  
38 (commencing with Section 15270) and Article 6  
39 (commencing with Section 15290).

1 15201. (a) As soon as the polls are closed, the precinct  
2 board shall, in the presence of the public do all of the  
3 following:

4 (1) Seal the container used to transport voted ballots  
5 and insure that the precinct number is designated on the  
6 ballot container.

7 (2) Certify, sign, and seal the several packages or  
8 envelopes as directed by the elections official.

9 (3) By not less than two of their number, deliver the  
10 ballot container and packages to the elections official at  
11 the central counting place in the manner prescribed by  
12 the elections official. The ballot container and packages  
13 shall remain in their exclusive possession until delivered  
14 to the elections official.

15 (b) This section also applies to ballots counted  
16 manually pursuant to Article 6 (commencing with  
17 Section 15290).

18 15202. If the ballots are to be counted at a central  
19 counting place, no fewer than two precinct board  
20 members shall, following the close of the polls, deliver the  
21 ballots, in a sealed container, to the central counting place  
22 or a designated receiving station. There may be two or  
23 more central counting places.

24 15203. The vote tabulating device may be located at  
25 any place within the state approved by the elections  
26 official of the county or other political subdivision using  
27 the device. The same device may be jointly owned,  
28 borrowed, leased, or used by two or more counties, cities,  
29 or other political subdivisions to tabulate ballots cast in  
30 any election.

31 15204. All proceedings at the central counting place,  
32 or counting places, if applicable, shall be open to the view  
33 of the public but no person, except one employed and  
34 designated for the purpose by the elections official or his  
35 or her authorized deputy, ~~may~~*shall* touch any ballot  
36 container. Access to the area where electronic data  
37 processing equipment is being operated may be  
38 restricted to those persons authorized by the elections  
39 official.



1 15205. (a) A person may be employed to count, tally,  
2 and certify the ballots if he or she is not a candidate at the  
3 election and if he or she satisfies either of the following  
4 requirements:

5 (1) Has the qualifications required for a precinct  
6 board member.

7 (2) Is a deputy or employee of either of the following:

8 (A) The governing board.

9 (B) The elections official.

10 (b) No person selected to count ballots need reside in  
11 any particular precinct.

12 15206. The elections official or any deputy authorized  
13 by the elections official may excuse or dismiss any person  
14 from any counting board and enforce the order.

15 15207. The elections official or authorized deputy  
16 shall segregate the persons employed to count the ballots  
17 into counting boards. These counting boards shall be  
18 deemed to be precinct boards, and are subject to all laws  
19 governing precinct boards where ballots are counted at  
20 the polling place.

21 15208. Each container of ballots shall be opened and  
22 its contents removed. The ballots shall be checked to  
23 ascertain if the ballots are properly grouped and shall be  
24 arranged, if necessary, so that all similar ballots from the  
25 precinct are together.

26 Any ballot that is torn, bent, or mutilated shall be  
27 segregated in the manner directed by the elections  
28 official and a duplicate shall be prepared as provided in  
29 Section 15210. Any ballot that is marked in a manner so  
30 as to identify the voter shall be marked "Void" and shall  
31 be placed in the container for void ballots.

32 15209. Any magnetic or electronic storage medium  
33 used for the ballot tabulation program and any magnetic  
34 or electronic storage medium containing election results  
35 shall be kept in a secure location and shall be retained for  
36 six months following any local election and 22 months  
37 following any federal election or so long thereafter as any  
38 contest involving the vote at the local or federal election  
39 remains undetermined.

1 15210. In preparing the voted ballots for processing,  
2 any ballot that is torn, bent, or otherwise defective shall  
3 be corrected so that every vote cast by the voter shall be  
4 counted by the automatic tabulating equipment. If  
5 necessary, a true duplicate copy of the defective ballot  
6 shall be made and substituted therefor, following the  
7 intention of the voter insofar as it can be ascertained from  
8 the defective ballot. All duplicate ballots shall be clearly  
9 labeled “duplicate,” and shall bear a serial number that  
10 shall be recorded on the damaged or defective ballot.

11 15211. If paper ballots are used for absentee voting,  
12 the canvass may be conducted in accordance with  
13 Chapter 1 (commencing with Section 15000), or the  
14 elections official may have a true duplicate copy of  
15 absentee voter paper ballots made on punchcard ballots  
16 that shall be verified in the presence of witnesses. After  
17 verification the punchcard ballots shall be counted in the  
18 same manner as other punchcard ballots.

19 15212. If voting at all precincts within a county is not  
20 conducted using the same voting system, the result as to  
21 the precincts not subject to this article shall be  
22 determined in accordance with other provisions of this  
23 code and the result of the vote at precincts subject to this  
24 article shall be determined as provided in this article. The  
25 statement of the vote in that case shall represent the  
26 consolidation of all the results and the results of the  
27 canvass of all absent voter ballots.

28 15213. In case of an emergency in which it becomes  
29 impossible to transport the ballots from the precinct to a  
30 central counting place, the elections official may direct  
31 that the ballots be counted at the precinct. In those cases,  
32 counting shall be conducted substantially in accordance  
33 with Article 5 (commencing with Section 15270).

34

### 35 Article 3. Automated Vote Count in Precincts

36

37 15250. The ballots may be counted at the polls if a  
38 counting or tabulating machine approved therefor  
39 pursuant to Article 1 (commencing with Section 19200)  
40 of Chapter 3 of Division 19 is available at the polls.





1 15251. Upon receipt of the result of votes cast from the  
2 precinct boards, the elections official shall compile and  
3 make available to the public the results so received as to  
4 the offices and measures.

5  
6 Article 4. Establishing Election Return Centers and  
7 Multiple Counting Centers  
8

9 15260. (a) The elections official of the jurisdiction  
10 shall establish one or more election return centers for the  
11 purpose of facilitating the compilation of election returns  
12 and expediting their announcement to the public.

13 (b) In establishing a return center, the elections  
14 official may designate a group of precincts which the  
15 center shall serve and this designation shall be available  
16 for public inspection no later than 15 days before the  
17 election. The election return center may be at any public  
18 place as the elections official designates.

19 15261. The elections official may establish one or  
20 more multiple centers to count ballots from designated  
21 precincts and transmit the results via telephone, facsimile  
22 transmission, or modem. The count shall be conducted in  
23 all other respects in accordance with the central counting  
24 provisions of Article 2 (commencing with Section 15200).  
25 The list of designated precincts for each multiple  
26 counting center shall be available for public inspection no  
27 later than 15 days before the election.

28  
29 Article 5. Manual Vote Count in the Precinct  
30

31 15270. This article applies to all elections in which  
32 ballots are counted by hand.

33 15271. As soon as the polls are finally closed, the  
34 precinct board shall commence to count the votes by  
35 taking the ballots cast, unopened, out of the box and  
36 counting them to ascertain whether the number of ballots  
37 corresponds with the number of signatures on the roster.  
38 The precinct board shall make a record upon the roster  
39 of the number of ballots in the ballot box, the number of  
40 signatures on the roster, and the difference, if any.

1 15272. The count shall be public and shall be  
2 continued without adjournment until completed and the  
3 result is declared. During the reading and tallying, the  
4 ballot read and the tally sheet kept shall be within the  
5 clear view of watchers.

6 15273. Unless otherwise provided in this code, the  
7 precinct board members may not constitute themselves  
8 into separate squads in an attempt to conduct more than  
9 one count of the ballots at the same time.

10 15274. The members of the precinct board may  
11 relieve each other in the duties of counting ballots.

12 15275. Those ballots not rejected shall be placed in  
13 one pile, and the board shall proceed to count by tallying  
14 the vote for one or more offices or measures at a time.

15 15276. The precinct board members shall ascertain  
16 the number of votes cast for each person and for and  
17 against each measure in the following manner:

18 One precinct board member shall read from the  
19 ballots. As the ballots are read, at least one other precinct  
20 board member shall keep watch of each vote so as to  
21 check on any possible error or omission on the part of the  
22 officer reading or calling the ballot.

23 15277. (a) Two of the precinct board members shall  
24 each keep a tally sheet in a form prescribed by the  
25 elections official. Each tally sheet shall contain all of the  
26 following:

27 (1) The name of each candidate being voted for and  
28 the specific office for which each candidate is being  
29 voted. The offices shall be in the same order as on the  
30 ballot.

31 (2) A list of each measure being voted upon.

32 (3) Sufficient space to permit the tallying of the full  
33 vote cast for each candidate and for and against each  
34 measure.

35 (b) The precinct board members keeping the tally  
36 sheets shall record opposite each name or measure, with  
37 pen or indelible pencil, the number of votes by tallies as  
38 the name of each candidate or measure voted upon is  
39 read aloud from the respective ballot.



(c) Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate and for and against each measure shall be recorded on the tally sheets in words and figures.

15278. No precinct board member may make any tally of votes in any other manner than is provided in this article, nor in any place other than on the tally sheets provided for that purpose.

15279. The ballots, as soon as all of the names and measures marked on them as voted for are read and tallied, ~~may~~*shall* not thereafter be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope. The signatures of each member of the precinct board shall be written across the seal.

15280. The precinct board shall complete, sign, and return to the elections official all furnished forms requiring its signatures.

When votes are counted at the precinct, all members of the precinct board, upon the completion of their duties, shall sign the following certificate of performance, which shall be substantially in the following form:

Certificate of Performance

for \_\_\_\_ precinct, for the \_\_\_\_ election, held on the \_\_\_\_ day of \_\_\_\_, (year).

We hereby certify that the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated on the tally sheets.

We further certify that the results of votes cast forms posted outside the polling place and transmitted to the county elections official show the total number of votes

received by each candidate for each office and the total number of votes cast for and against each measure is as indicated.

Inspector	Clerk
Assistant Inspector	Clerk
Judge	Clerk
Judge	Clerk

15281. The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls.

#### Article 6. Manual Vote Count in a Central Place

15290. Ballots that are to be counted manually in a central place shall be transported as provided in Sections 15201 and 15202. Each counting board shall proceed to count and tally the ballots by precincts, separately, under the direction of the elections official or authorized deputies, in the same manner as provided where ballots are counted at the polling place pursuant to Article 5 (commencing with Section 15270).

SEC. 28. Chapter 4 (commencing with Section 15200) of Division 15 of the Elections Code is repealed.

SEC. 29. Chapter 5 (commencing with Section 15250) of Division 15 of the Elections Code is repealed.

SEC. 30. Chapter 6 (commencing with Section 15300) of Division 15 of the Elections Code is repealed.

SEC. 31. Chapter 4 (commencing with Section 15300) is added to Division 15 of the Elections Code, to read:

CHAPTER 4. OFFICIAL CANVASS

Article 1. General Provisions

15300. This chapter applies to all elections.

15301. The canvass shall commence no later than the Thursday following the election, shall be open to the public, and, for state or statewide elections, shall result in a report of results to the Secretary of State. The canvass shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed.

15302. The official canvass shall include, but not be limited to, the following tasks:

(a) An inspection of all materials and supplies returned by poll workers.

(b) A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement.

(c) In the event of a discrepancy in the reconciliation required by subdivision (b), the number of ballots received from each polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement.

(d) A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including absentee and provisional ballots, by the vote counting system.

(e) Processing and counting any valid absentee and provisional ballots not included in the semifinal official canvass.

(f) Counting any valid write-in votes.

(g) Reproducing any damaged ballots, if necessary.

(h) Reporting final results to the governing board and the Secretary of State, as required.

15303. If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the elections official may issue and serve subpoenas requiring members of the precinct

1 board to appear and be examined under oath concerning  
2 the manner in which votes were counted and the result  
3 of the count in their precinct. This section shall apply  
4 when ballots are tabulated manually or automatically at  
5 the polls.

6 15304. In jurisdictions using a central counting place,  
7 the elections official may appoint not less than three  
8 deputies to open the envelopes or containers with the  
9 materials returned from the precincts. If, after  
10 examination, any of the materials are incomplete,  
11 ambiguous, not properly authenticated, or otherwise  
12 defective, the precinct officers may be summoned before  
13 the elections official and examined under oath to describe  
14 polling place procedures and to correct the errors or  
15 omissions.

16

17 Article 2. Processing Absentee Ballots and Mail Ballot  
18 Precinct Ballots

19

20 15320. Absentee ballots and mail ballot precinct  
21 ballots returned to the elections office and to the polls on  
22 election day that are not included in the semifinal official  
23 canvass phase of the election shall be processed and  
24 counted during the official canvass in the manner  
25 prescribed by Chapter 3 (commencing with Section  
26 15100).

27

28 Article 3. Processing Write-In Votes

29

30 15340. Each voter is entitled to write the name of any  
31 candidate for any public office, including that of  
32 President and Vice President of the United States, on the  
33 ballot of any election.

34 15341. Notwithstanding any other provision of law, no  
35 name written upon a ballot in any election ~~may~~*shall* be  
36 counted for an office or nomination unless the candidate  
37 whose name has been written on the ballot has complied  
38 with Part 3 (commencing with Section 8600) of Division  
39 8.



15342. Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below:

(a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote ~~may~~*shall* be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions.

(b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.

(c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods ~~may~~*shall* not be counted.

(d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate ~~may~~*shall* be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.

(e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

#### Article 4. Processing and Counting Provisional Ballots

15350. Provisional ballots cast pursuant to Section 14310 shall be processed and counted in accordance with the provisions outlined in Chapter 3 (commencing with

1 Section 15100) and pursuant to the requirements of  
2 Sections 14310 and 14311.

3

4 Article 5. One Percent Manual Tally

5

6 15360. During the official canvass of every election in  
7 which a voting system is used, the official conducting the  
8 election shall conduct a public manual tally of the ballots  
9 tabulated by those devices cast in 1 percent of the  
10 precincts chosen at random by the elections official. If 1  
11 percent of the precincts should be less than one whole  
12 precinct, the tally shall be conducted in one precinct  
13 chosen at random by the elections official.

14 In addition to the 1 percent count, the elections official  
15 shall, for each race not included in the initial group of  
16 precincts, count one additional precinct. The manual  
17 tally shall apply only to the race not previously counted.

18 Additional precincts for the manual tally may be  
19 selected at the discretion of the elections official.

20

21 Article 6. Ballot Security and Reporting of Results

22

23 15370. After ballots are counted and sealed, the  
24 elections official may not open any ballots nor permit any  
25 ballots to be opened except as permitted in Sections 15303  
26 and 15304, or in the event of a recount.

27 15371. Upon completion of the count, the elections  
28 official shall add to the results as so determined, the  
29 results of the write-in votes and any paper ballots used as  
30 certified by the precinct board, and thereupon shall  
31 declare the vote, and forthwith post one copy at the  
32 counting place for public inspection.

33 15372. The elections official shall prepare a certified  
34 statement of the results of the election and submit it to the  
35 governing body within 28 days of the election or, in the  
36 case of school district, community college district, county  
37 board of education, or special district elections conducted  
38 on the first Tuesday after the first Monday in November  
39 of odd-numbered years, no later than the last Monday  
40 before the last Friday of that month.





1 15373. When ballots are counted under this article,  
2 the result of the vote shall be shown by precinct.

3 15374. (a) The statement of the result shall show all  
4 of the following:

5 (1) The total number of ballots cast.

6 (2) The number of votes cast at each precinct for each  
7 candidate and for and against each measure.

8 (3) The total number of votes cast for each candidate  
9 and for and against each measure.

10 (b) The statement of the result shall also show the  
11 number of votes cast in each city, Assembly district,  
12 congressional district, senatorial district, State Board of  
13 Equalization district, and supervisorial district located in  
14 whole or in part in the county, for each candidate for the  
15 offices of presidential elector and all statewide offices,  
16 depending on the offices to be filled, and on each  
17 statewide ballot proposition.

18 15375. The elections official shall send to the  
19 Secretary of State within 35 days of the election in the  
20 manner requested one complete copy of all results as to  
21 all of the following:

22 (a) All candidates voted for statewide office.

23 (b) All candidates voted for the following offices:

24 (1) Member of the Assembly.

25 (2) Member of the Senate.

26 (3) Member of the United States House of  
27 Representatives.

28 (4) Member of the State Board of Equalization.

29 (5) Justice of the ~~Court of Appeals~~ *Courts of Appeal*.

30 (6) *Judge of the Superior Court.*

31 (7) *Judge of the Municipal Court.*

32 (c) All persons voted for at the presidential primary.  
33 The results for all persons voted for at the presidential  
34 primary for delegates to national conventions shall be  
35 canvassed and shall be sent within 20 days after the  
36 election.

37 (d) The vote given for persons for electors of President  
38 and Vice President of the United States. The results for  
39 presidential electors shall be endorsed "Presidential  
40 Election Returns," and sent ~~separately~~ *so that they are*

1 *received by the Secretary of State not later than the first*  
2 *Monday in the month following the election.*

3 (e) All statewide measures.

4 15376. The elections official shall deliver a duplicate  
5 of the certified statement of the result of votes cast to the  
6 chairperson of the county central committee of each  
7 party.

8 SEC. 32. Chapter 7 (commencing with Section 15350)  
9 of Division 15 of the Elections Code is repealed.

10 SEC. 33. The heading of Chapter 8 (commencing  
11 with Section 15400) of Division 15 of the Elections Code  
12 is amended and renumbered to read:

13  
14 CHAPTER 5. ANNOUNCEMENT OF RESULTS

15  
16 SEC. 34. The heading of Chapter 9 (commencing  
17 with Section 15450) of Division 15 of the Elections Code  
18 is amended and renumbered to read:

19  
20 CHAPTER 6. DETERMINATION OF ELECTED OR  
21 NOMINATED CANDIDATES

22  
23 SEC. 35. The heading of Chapter 10 (commencing  
24 with Section 15500) of Division 15 of the Elections Code  
25 is amended and renumbered to read:

26  
27 CHAPTER 7. DUTIES OF THE SECRETARY OF STATE

28  
29 SEC. 36. Section 15500 of the Elections Code is  
30 amended to read:

31 15500. The Secretary of State, commencing with the  
32 first results from the semifinal official canvass received  
33 from the elections officials, shall compile the results for  
34 the offices and measures listed in Section 15151, which  
35 compilation shall be continued without adjournment  
36 until completed. The Secretary of State shall immediately  
37 make public the results of the compilation as to those  
38 offices and measures.

39 SEC. 37. Section 15501 of the Elections Code is  
40 amended to read:



15501. (a) Except as to presidential electors, the Secretary of State shall compile the results for all of the following:

(1) All candidates for statewide office.

(2) All candidates for Assembly, State Senate, Congress, State Board of Equalization, Supreme Court, and ~~Court of Appeals~~ *Courts of Appeal*.

(3) All statewide measures.

(b) The Secretary of State shall prepare, certify, and file a statement of the vote from the compiled results no later than the 39th day after the election.

(c) *The Secretary of State may gather returns for local elections, including, but not limited to, the following:*

*(1) Candidates for county office.*

*(2) Candidates for city office.*

*(3) Candidates for school and district office.*

*(4) County ballot measures.*

*(5) City ballot measures.*

*(6) School and district ballot measures.*

SEC. 38. Section 15505 of the Elections Code is amended to read:

15505. On the first Monday in the month following the election, or as soon as the results have been received from all the counties in the state, if received before that time, the Secretary of State shall analyze the votes given for presidential electors, and certify to the Governor the names of the proper number of persons having the highest number of votes. The Secretary of State shall thereupon issue and transmit to each presidential elector a certificate of election. The certificate shall be accompanied by a notice of the time and place of the meeting of the presidential electors and a statement that each presidential elector will be entitled to a per diem allowance and mileage in the amounts specified.

SEC. 39. The heading of Chapter 11 (commencing with Section 15550) of Division 15 of the Elections Code is amended and renumbered to read:

1 CHAPTER 8. DISPOSITION OF BALLOTS AND SUPPLIES BY  
2 THE ELECTIONS OFFICIAL

3  
4 SEC. 40. Section 15552 of the Elections Code is  
5 repealed.

6 SEC. 41. The heading of Chapter 12 (commencing  
7 with Section 15600) of Division 15 of the Elections Code  
8 is amended and renumbered to read:

9  
10 CHAPTER 9. RECOUNT

11  
12 SEC. 42. Section 15642 of the Elections Code is  
13 amended to read:

14 15642. Any tape, diskette, cartridge, or other  
15 magnetic or electronic storage medium used in the  
16 programming of vote totals shall be kept in a secure  
17 location and, if there is a recanvass of votes, the officer  
18 entrusted with the magnetic storage medium shall  
19 submit his or her affidavit stating that they are the true  
20 media used in the election and have not been altered.

21 SEC. 43. Article 5 (commencing with Section 15645)  
22 of Chapter 12 of Division 15 of the Elections Code is  
23 repealed.

24 SEC. 44. The heading of Chapter 13 (commencing  
25 with Section 15650) of Division 15 of the Elections Code  
26 is amended and renumbered to read:

27  
28 CHAPTER 10. TIE VOTES

29  
30 SEC. 45. Section 17500 of the Elections Code is  
31 repealed.

32 SEC. 46. No reimbursement is required by this act  
33 pursuant to Section 6 of Article XIII B of the California  
34 Constitution for certain costs that may be incurred by a  
35 local agency or school district because this act creates a  
36 new crime or infraction, eliminates a crime or infraction,  
37 or changes the penalty for a crime or infraction, within  
38 the meaning of Section 17556 of the Government Code,  
39 or changes the definition of a crime within the meaning  
40 of Section 6 of Article XIII B of the California

1 Constitution; and because certain costs that may be  
2 incurred by a local agency or school district are the result  
3 of a program for which legislative authority was  
4 requested by that local agency or school district, within  
5 the meaning of Section 17556 of the Government Code  
6 and Section 6 of Article XIII B of the California  
7 Constitution.

8 However, notwithstanding Section 17610 of the  
9 Government Code, if the Commission on State Mandates  
10 determines that this act otherwise contains costs  
11 mandated by the state, reimbursement to local agencies  
12 and school districts for those costs shall be made pursuant  
13 to Part 7 (commencing with Section 17500) of Division 4  
14 of Title 2 of the Government Code. If the statewide cost  
15 of the claim for reimbursement does not exceed one  
16 million dollars (\$1,000,000), reimbursement shall be  
17 made from the State Mandates Claims Fund.

18 Notwithstanding Section 17580 of the Government  
19 Code, unless otherwise specified, the provisions of this act  
20 shall become operative on the same date that the act  
21 takes effect pursuant to the California Constitution.

